

International Journal of Advance Research in Computer Science and Management Studies

Research Article / Survey Paper / Case Study

Available online at: www.ijarcsms.com

e-Governance of Labour Legislations, Labour Inspections and its enforcement: An Outlook on Industrial Relations

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Abstract: Industrial Relations in the country depend on Labour Legislations, Labour Inspections and its enforcement. The tripartite and bipartite bodies act as consultancy machinery deals in formulation, advisory and suggestion on labour policies and then final discussions will be held in Parliament to pass an Act. Labour Inspections ensures its enforcement and any loopholes in such Legislation have to brought to the notice of competent authority by labour inspectors to make changes. The Employer adheres to certain Labour Legislation for the benefit of working class. To maintain robust industrial relations collective agreements are agreed between employer and working class. Failure in any of the cases leads to industrial unrest in the country result in loss of Mandays and Productivity due to Industrial disputes between employer and working class. To address these issues a proper codification of Labour Legislation, Strengthening of Labour Inspection structure and evaluation of Performance of Labour inspectors to ensure enforcement of Labour Legislations in every establishment. The paper emphasis on the recent reforms by Ministry of Labour & Employment, Government of India on e-Governance of Labour Laws, Labour Inspections and its enforcement that influences on Industrial relations.

Keywords: e-Governance of Labour Legislation and its enforcement; e-Governance of Labour Inspections and Labour enforcement; e-Kranti; e-Governance of Labour Legislations and Labour Inspections an Outlook on Industrial relations; Strengthening of Labour enforcement; e-labour returns.

I. INTRODUCTION

The components of Industrial relations are the employer, the working class and the Government. The employers adhere to certain labour legislation to ensure harmonious industrial relations results in higher labour productivity, motivation to working class, avoidance of strikes, lockouts, homicides on shop floor and reduction industrial unrest. There are almost 44 labour laws that are to be followed by employer. Labour inspections and enforcement of labour legislation are necessary for vigorous industrial relations.

II. REVIEW OF LITERATURE

Under the Constitution of India, Labour is a subject in the concurrent list where both the Central and State Governments are competent to enact legislations. As a result a large number of labour laws have been enacted. The Report of working group on Labour Laws & other Regulations for Twelfth Five year Plan categorized the existing 44 labour legislations¹ as

- A. Labour laws enacted and enforced by Central Government
- B. Labour laws enacted by Central and enforced by both the central as well as the State Governments
- C. Labour laws enacted by Central Government and enforced by the State Governments
- D. There are also labour laws enacted and enforced by the various State Governments which apply to respective States

Table 2.1 Categorization of Labour Legislations

S.No.	Name of the Act
(a) Labour laws enacted and enforced by Central Government	
1.	The Employees' State Insurance Act, 1948
2.	The Employees' Provident Fund and Miscellaneous Provisions Act, 1952
3.	The Dock Workers (Safety, Health and Welfare) Act, 1986
4.	The Mines Act, 1952
5.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
6.	The Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labor Welfare Fund Act, 1976
7.	The Mica Mines Labour Welfare Fund Act, 1946
8.	The Beedi Workers Welfare Cess Act, 1976
9.	The Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
10.	The Cine Workers Welfare (Cess) Act, 1981
11.	The Beedi Workers Welfare Fund Act, 1976
12.	The Cine Workers Welfare Fund Act, 1981
(b) Labour laws enacted by Central and enforced by both the Central as well as the State Governments	
13.	The Cine Workers Welfare Fund Act, 1981
14.	The Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996
15.	The Contract Labour (Regulation and Abolition) Act, 1970
16.	The Equal Remuneration Act, 1976
17.	The Industrial Disputes Act, 1947
18.	The Industrial Employment (Standing Orders) Act, 1946
19.	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
20.	The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988
21.	The Maternity Benefit Act, 1961
22.	The Minimum Wages Act, 1948
23.	The Payment of Bonus Act, 1965
24.	The Payment of Gratuity Act, 1972
25.	The Payment of Wages Act, 1936
26.	The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
27.	The Building and Other Construction Workers Cess Act, 1996
28.	The Apprentices Act, 1961
(c) Labour laws enacted by Central Government and enforced by the State Governments	
29.	The Employers' Liability Act, 1938
30.	The Factories Act, 1948
31.	The Motor Transport Workers Act, 1961
32.	The Personal Injuries (Compensation Insurance) Act, 1963
33.	The Personal Injuries (Emergency Provisions) Act, 1962
34.	The Plantation Labour Act, 1951
35.	The Sales Promotion Employees (Conditions of Service) Act, 1976
36.	The Trade Unions Act, 1926
37.	The Weekly Holidays Act, 1942
38.	The Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
39.	The Workmen's Compensation Act, 1923
40.	The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
41.	The Children (Pledging of Labour) Act 1938
42.	The Bonded Labour System (Abolition) Act, 1976
43.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
44.	The Unorganized Workers' Social Security Act, 2008
(d) There are also labour laws enacted and enforced by the various State Governments which apply to respective States	

The above mentioned relevant acts have to be followed by the employers to ensure occupational health and safety, social security and labour welfare of working class and harmonious industrial relations. All the labour legislations should be consolidated, simpler and rationale for the benefit of the working class.

The Ministry of Labour and Employment is responsible for formulating and administrating laws and regulations relating to labour and employment. In addition to the Ministry of Labour, Ministries specialized for certain industrial sectors (for example the Ministry of Power, Ministry of Mines) cover certain aspects of labour administration such as safety and specific aspects of social security and labour welfare, with respect to defined groups of workers.

At a central level or sphere, the Directorate General, Factory Advice Service and Labour Institutes (DGFASLI) carries out inspections related to occupational safety and health issues. Also at a central level the Chief Labour Commissioner (CLC) also known as the Central Industrial Relation Machinery (CIRM) is responsible for enforcing labour legislation related to working conditions. Both the DGFASLI and the CLC are attached offices of the Ministry of Labour & Employment. At a state level, the Inspectorates of Factories under the control of each State Labour Departments enforce the Factories Act in their respective states. Different inspectors carry out safety and health inspections and those related to labour issues. Directorate General on Mines Safety also conducts safety and health inspections with respect to safety and health regulations in mines and oil-fields².

Ongoing project of International Labour Organization (ILO) working alongside Viet Nam's Ministry of Labour, Invalids and Social Affairs (MoLISA) to help strengthen its ability to secure labour law compliance for working women and men. The objectives of the project include: (i) Improving MOLISA's institutional and technical capacity to effectively operationalize labour inspection activities. (ii) Strengthening workplace compliance by reinforcing the complementary measures of enforcement, prevention and industrial relations. The expected outcomes of the project includes enhancement of competency standards of labour inspectorate staff includes knowledge and skills, technical tools, exchange of information and performance management system to facilitate continued improvement in institutional and individual achievement. On the basis of risk mapping towards working conditions, knowledge and skills of the employer and workers on workplace, campaigns and advisory services and inspection strategies are designed and implemented on selected enterprises to improve workplace compliance through labour inspection³.

The Working group of Twelfth Five Year Plan recommended for improving enforcement of Labour laws on strengthening of enforcement machinery by way of increasing manpower and infrastructure⁴. Over the years the number of Acts, number of establishments and number of workers have increased manifold. The Working group suggests to laid out institutional mechanisms for up gradation of skills, induction of greater professionalism, introduction of performance assessment parameters and well defined incentives and disincentives for officers dealing with enforcement of labour laws. It also recommended for easing the burden of labour laws where the enforcement should not lead to harassment and "Inspector Raj" that perpetrates corruption and raises compliance costs. The valuable time of the inspectors are wasted in visiting courts and for minor offences senior officer of labour department should be empowered to adjudicate these cases. Inspections should follow Convention 81 of the ILO where sovereign functions of the state cannot be delegated to a third party⁵.

India has ratified Convention No.81 of ILO. The objective is to establishment of a system of labour inspection responsible for securing the enforcement and bringing to the notice of the competent authority any possible loopholes in existing legal provisions relating to conditions of work and protection of workers in industrial workplaces, from which mining and transport enterprises may, however, be excluded. In C81Labour Inspection (in Industry and commerce) convention, 1947 laid down functions of system of labour, structure of labour inspection system, rights and duties of labour inspector. The convention recommendation calls for labour inspectors to play a preventive role in the field of safety and health when any industrial or commercial establishment is opened, or any activity is commenced in such an establishment, any new plant installed or any newly introduced production process. It calls on States to encourage arrangements for cooperation between employers and workers for the purpose of improving conditions affecting the workers' health and safety⁶.

III. RESEARCH METHODOLOGY

A descriptive research is used to explain the digitalization of Labour Legislations, Labour Inspections and its enforcement influences on industrial relations. The secondary data has been used to collect information to synthesis, analyse and conclude the results. Labour legislation is the outcomes of deliberate discussions at bipartite and tripartite bodies followed by both houses of parliament. The consultancy machinery to make peace and improve industrial relations between management and unions, and maintain smooth functioning of union management relations includes Indian Labour Conference, The Standing Labour Committee, Industrial Committees, State Labour Advisory Boards, Works Committees, and Joint Management Council.

The statistics of work-stoppages due to Industrial Disputes during January to December, 2014 from different State Labour Departments / Regional Labour Commissioners (Central) are presented as **138** Industrial Disputes resulting in work-stoppages were reported during January to December, 2014 in which **915329** workers were involved and **3191192** mandays lost were reported. Besides, there were **9** disputes which occurred due to reasons other than Industrial Disputes also. In the said disputes **5935** workers were involved and **1304240** mandays were lost⁷.

Table 3.1 Number of Mandays Lost on Account of Work-stoppages during January to December, 2013 and 2014

Month	Industrial Disputes				Reasons Other than Industrial Disputes			
	2013(P)	%	2014 (P)	%	2013(P)	%	2014 (P)	%
January	195427	5.33	155590	4.87	148100	7.8	154035	11.81
February	1281066	34.95	762480	23.89	143127	7.54	141430	10.84
March	165073	4.5	154621	4.84	147595	7.78	141125	10.82
April	276665	7.55	180392	5.65	148605	7.83	140145	10.75
May	200644	5.47	174859	5.48	153805	8.11	141325	10.84
June	260797	7.12	200952	6.3	174359	9.19	141080	10.82
July	150366	4.1	233562	7.32	181192	9.55	146280	11.22
August	162707	4.44	224870	7.05	179205	9.44	141080	10.82
September	137198	3.74	237054	7.43	157440	8.3	140345	10.76
October	196398	5.36	87794	2.75	157995	8.33	5635	0.43
November	177083	4.83	317750	9.96	152795	8.05	5635	0.43
December	461602	12.59	461700	14.47	153300	8.08	6125	0.47
Total	3665026	100	3191624	100	1897518	100	1304240	100

Sources: Indian Labour Bureau, Government of India, data is modified as per requirement.

The Mandays lost due to Industrial disputes in February 2013 and 2014 are 34.95%, 23.89%. The number of mandays lost is 1281066 and 762480 respectively may result in huge productivity loss. In December 2013 and 2014 mandays lost are 12.59%, 14.47%. In February and December months there is highest number of work-stoppages this requires in depth analysis.

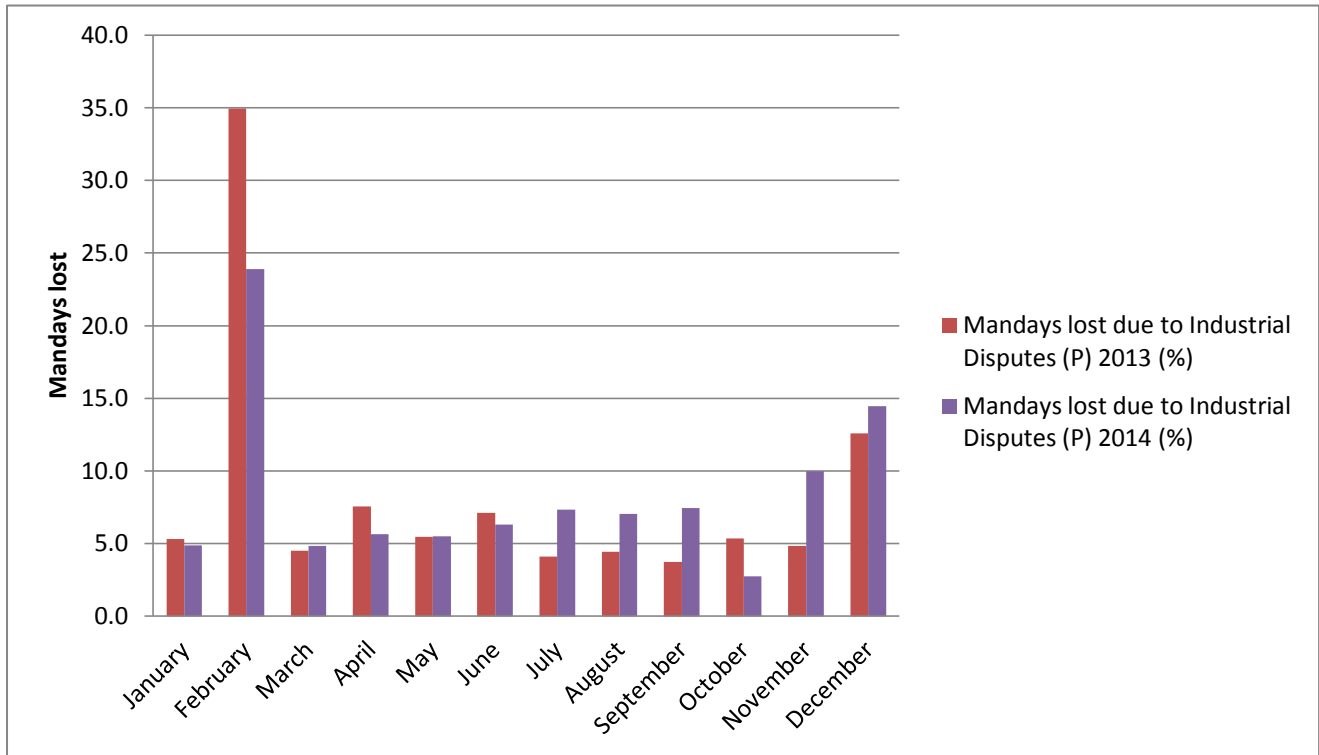


Figure 3.1 Percentile Mandays lost per Month due to the Industrial Disputes during 2013 (P) and 2014 (P)

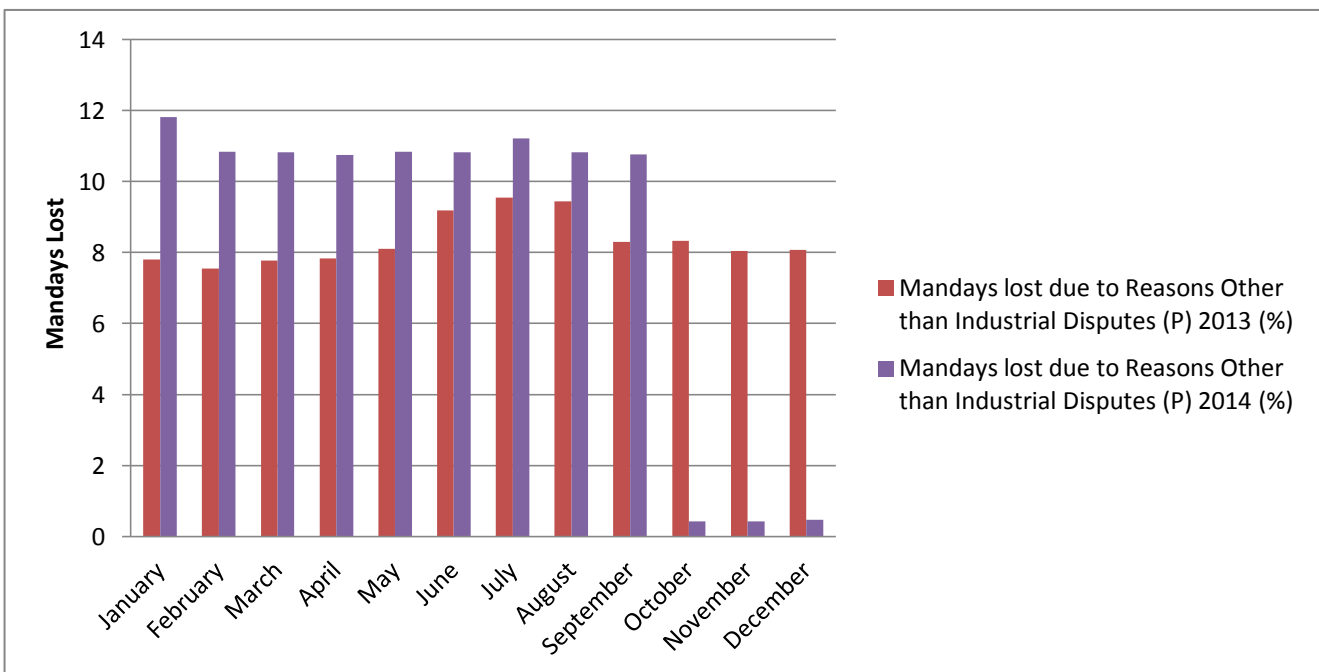


Figure 3.2 Percentile Monthly Mandays lost due to Reasons other than industrial disputes during 2013 (P) and 2014(P)

From the Fig. 3.1 Monthly Mandays lost due to industrial disputes are almost above 5%, which means nearly 159581 Mandays lost in every month during Jan. 2014 to Dec. 2014 and above 4%, which means nearly 146601mandays lost in every month during Jan. 2013 to Dec. 2013. In the Fig. 3.2 almost every month contributes 10.5% of Mandays lost during Jan. 2014 to Dec. 2014 and above 7.5% of Mandays lost during Jan. 2013 to Dec. 2013 due to reason other than industrial disputes.

The labour resort to strike and capital resort to lockout due to reasons other than industrial disputes includes bonus, wages and allowance indiscipline, shortage of power, Non implementation of labour agreement, personnel, charter demands, indiscipline, financial crisis and others⁸.

In the review of literature there are as many labour legislation that employer has to comply to maintain harmonious relations with working class. In addition, labour inspection has to happen in organizations as per ILO Convention 81. The labour inspection are meant to ensure protection of working class and to find the loopholes in existing labour legislation, bring to notice of the competent authorities and also responsible for securing the enforcement.

Table 3.2 Details of Industrial Disputes handled by CIRM

Year	Number of Disputes received by CIRM including brought forward from previous year	Number of Disputes which were considered unfit for intervention by CIRM	Number of Disputes which were settled without holding formal conciliation proceedings	Number of Disputes in which formal conciliation proceedings were held	Number of Disputes in which conciliation proceedings led to the settlement of Disputes	Number of Disputes in which conciliation proceedings ended in failure	Number of Disputes pending with the CIRM at the close of the year/period
2013-14	11492	85	2848	4177	1945	2232	4382
2014-15 * (April-Sep)	6052	0	541	1021	492	529	4490

Source: Annual Report 2014-15, Ministry of Labour & Employment

* : Including brought forward from the previous data 2014-15 figures are provisional.

During the year 2013-14 the CIRM intervened in 586 threatened strikes and its conciliatory efforts succeeded in averting 578 strikes, which represent a success rate of 98.6%. The Industrial disputes handled by the machinery during the year 2014-15 for the period of April- September the CIRM intervened 86 threatened strikes and its conciliatory efforts successes in averting 78 strikes, which represent a success rate in 90.7%. The table 3.2 shows the details of industrial disputes handled by CIRM during the year 2013-14 and 2014-15 (April to September)⁹. The inspecting officers of CIRM inspected establishment under central sphere through routine inspections and special drives and task force inspections to secure the benefits of the beneficial legislations to the workers. The table 3.3 shows the statement of inspections under various laws inspected establishment comes under central sphere¹⁰.

Table 3.3 Statement showing number of inspections etc. under various labour laws for the year 2013-14 and 2014-15

Year/Period	Number of Inspections	Number of Irregularities		Number of Prosecutions Launched	Number of convictions (Obtained plus Acquittals)
		Detected*	Rectified		
2013-14	34351	676017	321740	11756	10396
2014-15 (April-Sep)	7407	435738	73473	2416	1956

Sources: Annual Report 2014-15, Ministry of Labour and Employment.

Codification of the existing Labour legislation into simplified laws under 5 categories as recommended Second National Commission on Labour Laws on functional basis. In Annual report 2014-15 states that the Ministry is working on to rationalise all the labour laws in 5 labour codes as:

1. Code on wages
2. Code on Safety and Working Conditions
3. Code on Industrial relations
4. Code on Social Security & Welfare
5. Code on Employment Training & Miscellaneous

This reform is necessary for the growing economy like India to achieve the goal of "Make in India". The Table 3.4 shows achievement of RFD of Labour Inspections during April 2014 to December 2014. Analysis on the achievement of success

indicators of RFD, the labour inspections and labour legislation enforcement has to be strengthened a lot to benefit the working class and minimize the industrial disputes and development of performance system of inspecting officer¹¹.

Table 3.4 Achievement of Result Framework Document from 01.04.2014 to 31.12.2014

S.No.	Success Indicators	Target	Achievements
1	Irregularities detected during inspections	100%	77%
2	Percentage of Compliance after inspection	55%	35%
3	Claim cases filed under the Minimum Wages Act against the defaulting employers	2300	1832
4	Industrial disputes Disposed off	5200	4902
5	Officers trained	130	75

Sources: Annual Report 2014-15, Ministry of Labour and Employment.

In this background, the Ministry of Labour and Employment, Government of India has taken some initiative to revamp in governance to achieve the objective of simplifying business regulations and for transparency and accountability of labour inspections. The initiative e-governance is to deliver all government services electronically to citizens via integrated, interoperable systems through multiple modes¹². These e-governance services include:

1. Shram Suvidha web portal
2. Transparent Central Labour Inspection Scheme for Random Inspection of Units
3. e=Easier Social Security (EPFO)
4. e=Efficient Health and Insurance (ESIC)
5. e=Expertise in Training (DGET)
6. e=Extra reach for Unorganized Workers (DGLW)

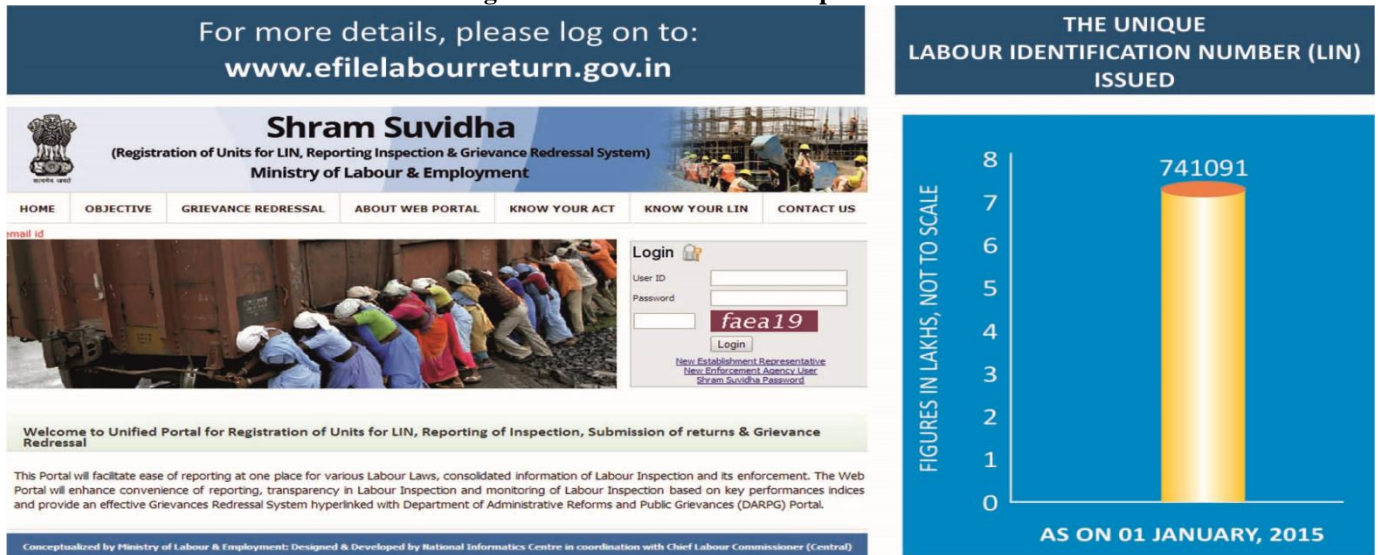
Shram Suvidha web portal:

The Ministry of Labour & Employment has developed a unified Web Portal 'Shram Suvidha', catering to four major organisations under its aegis: Office of Chief Labour Commissioner (Central); Directorate General of Mines Safety; Employees' Provident Fund Organization; and Employees' State Insurance Corporation.

The Feature of this portal includes:

1. Unique Labour Identification Number (LIN) allotted to units facilitating online registration.
2. Filing of self-certified, simplified single Online return by industry. Units will only file a single consolidated Online Return, instated of separate Returns. Amendments to 10 Rules already undertaken.
3. Transparent Labour Inspection Scheme via computerized system.
4. To ensure timely redressal of grievances with the help of the portal.

Figure 3.3 Shram Suvidha web portal

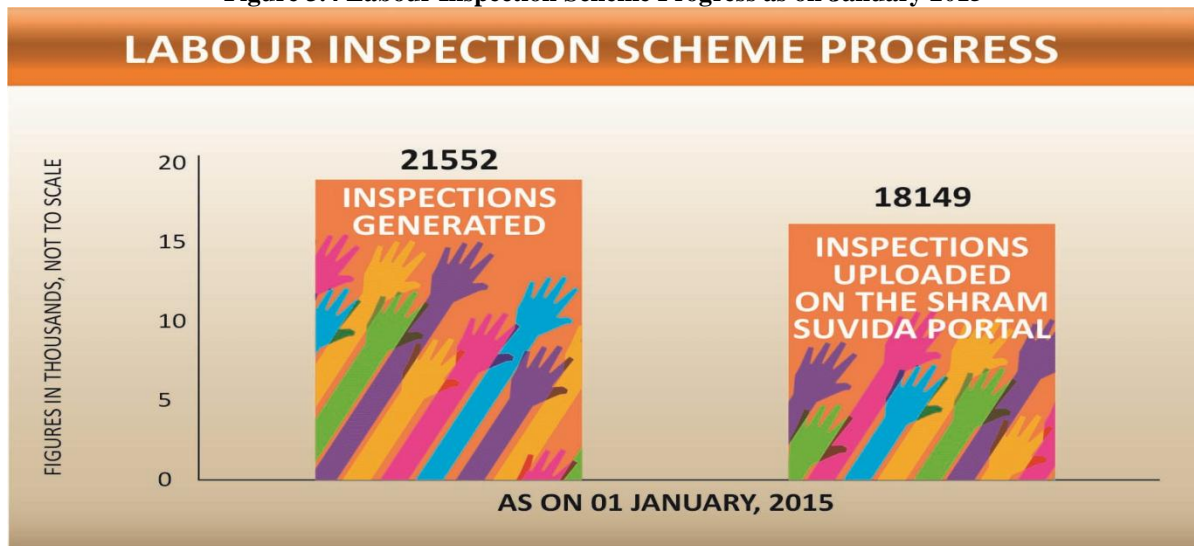


Sources: Ministry of Labour and Employment

Transparent Central Labour Inspection Scheme for Random Inspection of Units¹³:

- Computerized list of inspections to be generated randomly as per risk-based objective criteria.
- Serious matters to be covered under mandatory inspection list
- Complaints-based inspections to be determined centrally after examination of data and evidence.
- Mandatory uploading of Inspection Reports within 72 hours

Figure 3.4 Labour Inspection Scheme Progress as on January 2015



Sources: Ministry of Labour and Employment

e=Easier Social Security (EPFO):**Portability through universal Account Number (UAN) for Employees Provident Fund¹⁴**

- Digitization of complete database of 4.24cr EPF subscribers and allotment of UAN to each member.
- UAN is being seeded with Bank Account, Aadhra Card and other KYC details to promote financial inclusion.
- Employees' EPF accounts to be updated monthly and members informed via SMS.
- Direct access to EPF accounts will enable members to access and consolidate previous accounts. Online pensioners can view their account and disbursement details online.

Figure 3.5 Portability through universal Account Number (UAN) for Employees Provident Fund

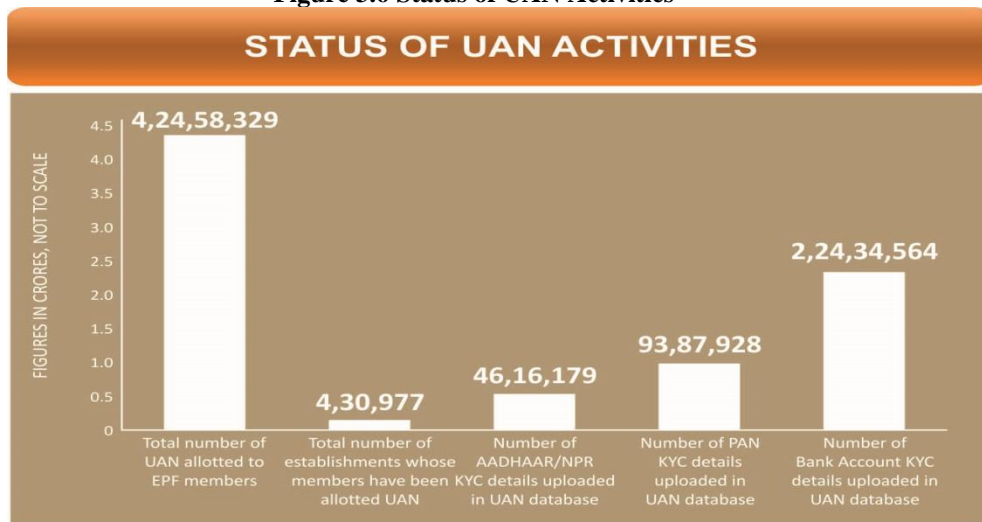


Sources: Ministry of Labour and Employment

Additionally:

- An Online Transfer Claims Portal (OTCP) has been launched to facilitate transfer of member accounts after a job change.
- Online registration of establishments with EPFO 26,696 establishments registered online as on 1.1.2015
- Software launched to allow exempt establishments to file Statutory Returns online.
- Establishments can remit statutory EPF dues electronically from any of the 58 banks via which payments are made; the 58 include all major banks in India.
- All payments (100%) to pensioners and 98% of other payments to members are made electronically.

Figure 3.6 Status of UAN Activities



AS ON 01 JANUARY, 2015

Sources: Ministry of Labour and Employment

e=Efficient Health and Insurance (ESIC):

As a social security organization under the Ministry of Labour & Employment, the Employees' State Insurance Corporation provides comprehensive medical care and cash benefits in contingencies such as Sickness, Maternity Leave, Disablement, death due to on-duty injury and loss of jobs of beneficiaries from the organized sector working class falling in the lower wage bracket¹⁵.

- **Project 'Panchdeep':** To digitize internal and external processes and ensure efficiency in operations, especially services to Employers and Insured Persons, ESIC has launched its IT Project 'Panchdeep'.
- **Project 'Panchdeep':** To digitize internal and external processes and ensure efficiency in operations, especially services to Employers and Insured Persons, ESIC has launched its IT Project 'Panchdeep'.
- **Pehchan Card:** On registration, the Insured Person's (IP) photograph is clicked and fingerprints of the IP and family members are scanned. Two sets of Pehchan Card (one for the IP, another for family members) are provided for fast and convenient delivery of services.
- **Employer Portal under 'Panchdeep':** The Employer Portal permits all transactions online without visiting any ESIC Office, saving time and preventing the drudgery of routine paperwork. Employer-Employee Registrations are done online. The portal enables employers to file monthly contributions, generate Temporary Identity Cards and create monthly contribution challans online.
- **IP Portal under 'Panchdeep':** Through the IP Portal, Insured Persons can check contributions paid/payable by employers, family details, entitlement to various benefits and status of claims.
- **e-Biz Platform:** Under the Ministry of Labour & Employment, ESIC is the first entity to integrate its services (Registration of Employers via e-Biz portal of the Department of Industrial Policy and Promotion or DIPP) to promote ease of business and curb transaction costs.

e= extra reach for unorganised workers (DGLW):

Initiatives in Progress: Unorganised Workers' Identity Card¹⁶

- (i) Identification and registration of unorganized workers by State Governments as per Unorganized Workers Social Security Act, 2008 leading to creation of unorganized workers' database
- (ii) Portable Smart card to unorganized workers linked to Aadhar and bank account numbers to be issued by States in 2015-16.
- (iii) Convergence of Social Security Schemes for unorganized workers on a single platform.
- (iv) Single point of contact for unorganized workers' Social Security Schemes.
- (v) Holistic monitoring of schemes to assess to and quality of services for unorganized workers.

Apart from the above initiatives The Chief Labour Commissioner (Central) under the Ministry of Labour and Employment, would set up Central Analysis and Intelligence Unit for collecting and analyzing field level data for a transparent and accountable Labour Inspection system. The CLC Organization would indicate the criteria which it considers most important from its point of view where the inspections would be mandatory. CLC Organization will formulate an objective methodology for selection criteria of the cases by the CAIU keeping in view its priorities and the provisions of ILO C-81. As recommended the performance appraisal of the labour inspectors has to be done by mapping the certain criteria that enhances his/her performance, increase in compliance of labour legislation after inspections etc., should be consider in line with Ongoing project of International Labour Organization (ILO) working alongside Viet Nam's Ministry of Labour, Invalids and Social Affairs (MoLISA).

IV. CONCLUSION

The Ministry of Labour and Employment, Government of India has taken considerable measures to transact business regulations ensures transparency and accountability of labour inspections leads to attract investors to achieve the objective of "Make in India". The e-Governance of labour legislation Shram Suvidha web portal helpful to the employers and working class

to know labour legislations that their establishment has to follow. The e-governance of labour laws, labour inspections and its enforcement leads to robust industrial relations in the country. Labour inspection have to strengthen by evaluating performance review of labour inspectors regularly to avoid “Inspector Raj” perceptions towards friendly inspections at enterprises with employers and working class to enforce labour legislations to pause industrial unrest in India.

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